

AIRPORT LAND USE COMMISSION RESOLUTION 03-1

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION OF SAN LUIS OBISPO COUNTY INTERPRETING LANGUAGE WITHIN THE ADOPTED AIRPORT LAND USE PLAN FOR THE OCEANO COUNTY AIRPORT

WHEREAS, the Airport Land Use Commission of San Luis Obispo County has been established under Sections 21670–21679.5 of the California Public Utilities Code to protect public health, safety, and welfare by ensuring the orderly expansion and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses; and

WHEREAS, the Airport Land Use Commission has adopted a valid Airport Land Use Plan for the Oceano County Airport which designates specific land uses as Conditionally Approvable within the airport planning area and which requires, as a condition for the establishment of any Conditionally Approvable use that said usage must be “compatible with airport location”; and

WHEREAS, the Airport Land Use Commission has conducted a duly noticed public hearing in the Board of Supervisors Chambers of the County Government Center in the City of San Luis Obispo on January 19, 2003 to consider the interpretation and application of the phrase “compatible with airport location”; and

WHEREAS, the Airport Land Use Commission has considered the testimony of interested parties and the evaluation and recommendations of staff;

BE IT RESOLVED, by the Airport Land Use Commission of San Luis Obispo County as follows:

Section 1: Findings

The adoption of this resolution interpreting the language of the Airport Land Use Plan for the Oceano County Airport is within the scope of the powers and duties of the Airport Land Use Commission established in PUC Section 21674(f), which states that “In order to carry out its responsibilities, the commission may adopt rules and regulations consistent with this article.”

The content of this resolution is consistent with the purpose Sections 21670–21679.5 of the California Public Utilities Code, as stated in Section 21670(2).

The adoption and content of this resolution are consistent with the Airport Land Use Planning Handbook prepared and adopted by the Division of Aeronautics of the Department of Transportation of the State of California (January, 2002).

Section 2: Limitations

The adoption of this resolution interpreting the language of the Airport Land Use Plan for the Oceano County Airport is intended to:

- Provide the ALUC with a well-defined frame of reference for evaluating referrals in the Oceano County Airport planning area and for a greater degree of consistency in future Commission determinations regarding such projects
- Provide the planning departments of local agencies with criteria for advising applicants of ALUP requirements and for preparing referrals which will contain appropriate information for ALUC review
- Provide guidance to landowners and developers as to appropriate and permissible uses for property

within the airport planning area

The adoption of this resolution does not, however, supersede or diminish the authority or discretion of the Airport Land Use Commission to evaluate all relevant information in determining whether a specific referral allowing establishment of Conditionally Approvable land uses is “compatible with airport location” and/or consistent or inconsistent with the Airport Land Use Plan.

This resolution does not confer any development rights to owners of properties within the airport planning area of the Oceano County Airport, nor does its adoption constitute any assurance, either expressed or implied, that adherence to the terms expressed herein will result in a determination by the Airport Land Use Commission that a any specific referral is “compatible with airport location” or consistent with the Airport Land Use Plan.

Section 3: Action

The Airport Land Use Commission hereby adopts the following as interpretation of the phrase “compatible with airport location”, as this phrase is employed in Appendix B of the Airport Land Use Plan for the Oceano County Airport:

To be deemed “compatible with airport location,” any proposed Conditionally Approvable land use or any local action which would allow Conditionally Approvable land uses must:

- Specifically limit maximum residential density and maximum nonresidential intensity of use as follows (double-counting of land area for residential and nonresidential development is not allowed):
 - In those areas which are designated as Commercial Retail, or Industrial by the General Plan in effect on February 19, 2003, the maximum permitted residential density and maximum permitted nonresidential intensity of use shall be less than or equal to the greatest of the following:
 - the densities specified for Rural/Suburban areas in Table 9C, page 9-47 of the State of California Airport Land Use Planning Handbook (January, 2002) and in Table 1 of this resolution (appended), or
 - the density of the least-densely developed contiguous developed property, or
 - for redevelopment projects, the density of residential development and/or non-residential intensity of use which existed on the property prior to redevelopment.

New secondary dwelling units are to be specifically excluded.

- In those areas which are designated as Residential Single Family or Residential Multifamily by the General Plan in effect on February 19, 2003, the maximum permitted residential density and maximum permitted nonresidential intensity of use shall be less than or equal to the greatest of the following:
 - the densities specified for Rural/Suburban areas in Table 9C, page 9-47 of the State of California Airport Land Use Planning Handbook (January, 2002) and in Table 1 of this resolution (appended), or
 - the density of the least-densely developed contiguous developed property, or
 - for redevelopment projects, the density of residential development and/or non-residential intensity of use which existed on the property prior to redevelopment, or
 - one single-family residence per legal parcel.

New secondary dwelling units are to be specifically excluded.

- In all other areas, the maximum permitted residential density and maximum permitted non-residential intensity of use shall be less than or equal to the densities specified for Rural/Suburban areas in Table 9C, page 9-47 of the State of California Airport Land Use Planning Handbook (January, 2002), and all new development or redevelopment shall conform to the Basic Safety Compatibility Qualities specified in Table 9B, page 9-44 of the State of California Airport Land Use Planning Handbook (January, 2002) and in Table 1 of this resolution (appended)
- Specifically prohibit activities which would constitute a wildlife hazard, visual hazard, or electronic hazard, as defined on pages 9-56 and 9-58 of the State of California Airport Land Use Planning Handbook (January, 2002).
- Specifically prohibit structures, antennae, vegetation, or other improvements which would penetrate any imaginary surface for the Oceano County Airport, as defined by Part 77 of Federal Aviation Regulations.
- Require that an aviation easement be granted as a condition for any development or use permit.
- Require that all owners, potential purchasers, occupants (whether as owners or renters), and potential occupants (whether as owners or renters) will receive full and accurate disclosure concerning the noise, safety, or overflight impacts associated with airport operations prior to entering any contractual obligation to purchase, lease, rent, or otherwise occupy any property or properties within the airport area.

On motion by Commissioner _____, seconded by Commissioner _____, and on the following roll call vote:

Ayes:

Noes:

Refraining:

Absent:

The foregoing resolution was passed and adopted on this 19th day of March, 2003

Bill Robeson
Staff assigned to Airport Land Use Commission

TABLE 1

**LAND USE RESTRICTIONS AS SPECIFIED BY THE CALIFORNIA DEPARTMENT OF
TRANSPORTATION AIRPORT LAND USE PLANNING HANDBOOK**

State-Defined Safety Zone	Maximum Residential Density (du/acre)	Maximum Non-Residential Intensity of Use (persons/acre)	Basic Safety Compatibility Qualities
Runway Protection Zone	0	0	<ul style="list-style-type: none"> • Airport ownership of property encouraged • Prohibit all new structures • Prohibit residential land uses • Avoid nonresidential uses except if very low density and confined to the sides and outer end of the area
Inner Approach/ Departure Zone	0.05–0.1	10–25	<ul style="list-style-type: none"> • Prohibit residential uses except on large agricultural parcels • Limit nonresidential uses to activities which attract few people (uses such as shopping centers, most eating establishments, theatres, meeting halls, multi-story office buildings, and labor-intensive manufacturing plants unacceptable) • Prohibit children's schools, day care centers, hospitals, nursing homes • Prohibit hazardous uses (e.g., aboveground bulk fuel storage)
Inner Turning Zone	0.2–0.5	60–80	<ul style="list-style-type: none"> • Limit residential uses to very low density • Avoid nonresidential having moderate or higher usage intensities (e.g., major shopping centers, fast food restaurants, theatres, meeting halls, buildings with more than three aboveground habitable are generally unacceptable) • Prohibit children's schools, day care centers, hospitals, nursing homes • Prohibit hazardous uses (e.g., aboveground bulk fuel storage)
Outer Approach/ Departure Zone	0.2–0.5	60–80	<ul style="list-style-type: none"> • Limit nonresidential uses as in Inner Turning Zone • In undeveloped areas, limit residential uses to very low densities (if not deemed unacceptable because of noise); if alternative uses are impractical, allow higher densities as infill in urban areas • Prohibit children's schools, large day care centers, hospitals, nursing homes
Sideline Zones	0.5–1.0	80–100	<ul style="list-style-type: none"> • Avoid residential uses unless airport-related (noise usually also a factor) • Allow all common aviation-related activities, provided that height-limit criteria are met • Limit other nonresidential uses as in Inner Turning Zone, but with slightly higher usage intensities • Prohibit children's schools, large day care centers, hospitals, nursing homes
Traffic Pattern Zones	No limit	150	<ul style="list-style-type: none"> • Allow residential • In undeveloped areas, limit residential uses to very low densities • Allow most nonresidential uses; prohibit outdoor stadiums and similar outdoor uses with very high intensities • Avoid children's schools, large day care centers, hospitals, nursing homes